



Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
Darrell Fisher
Executive Director

**REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
April 20, 2016**

I. CALL TO ORDER

In Chairman Matthew McCarthy and Vice Chairman Jerry Watson's absence Council member Chief Tracy Wolf called the monthly meeting of the Police Standards Advisory Council to order at 9:01 AM. A current copy of the Nebraska Open Meetings Act was on hand and available for reference. Notice of the meeting was published in the Lincoln Journal Star on Tuesday, April 8, 2016. Roll call of members present; Sheriff Larry Koranda, Chief Timothy Larby, Lieutenant Colonel Thomas Schwarten, and Chief Tracy Wolf. Mr. Matthew McCarthy, Captain Genelle Moore and Sheriff Jerry Watson were not present.

II. APPROVAL OF MARCH 16, 2016 P.S.A.C. MINUTES

MOTION

Sheriff Koranda motioned to approve the minutes as presented in our packet. Lieutenant Colonel Schwarten seconded the motion. Voting in favor; Sheriff Koranda, Chief Larby, Lieutenant Colonel Schwarten, and Chief Wolf.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Mr. Muldoon stated the last couple of weeks the Training Center had been preparing for a state audit. They went over a lot of the accounting processes, receipts and some fixed asset testing. I am happy to report we were able to find everything they asked for which was mainly firearms and they picked out random things from the firearms vault.

They are working on the clear story and our roof; we had about 4 inches of rain over the weekend so we took on a lot of water because it wasn't sealed up but it has been going pretty well other than that.

Two projects have not been bid yet, enclosure of the balcony over the south entrance, and replacing the glass pyramid in the lobby with a hard roof. The company currently doing the clear story has expressed some interest.

The first floor lounge in the old dorm area was underutilized and when it was used, the conversation would get loud and you can hear it up and down the hallway of the dorm rooms. We have never had adequate laundry storage and making the matter worse was the leak in the laundry area contaminating

the clean linens with rainwater every time it rained. Hopefully that will be fixed with the second floor balcony project. But this opportunity to enclose the lounge space and make it a large laundry sorting facility will get rid of the tubs from the hallway in the south entrance putting them instead into the room that was clean laundry. Our internal staff was able to build it.

B. Deputy Director of Training – N.L.E.T.C.

Ms. Urbanek stated the 193rd basic began Sunday March 27th with 63 students, 2 students left of their own volition Monday night, another student left Monday of week two with a third student leaving in week three due to an agency withdrawing him and then he resigned. The two individuals from Monday night hadn't been through any classes, just the PRET tests and orientation when they decided it wasn't for them, the individual on Monday of the second week also decided it wasn't for him. We are currently at 59 students. Graduation is set for July 15th.

This is the second 60 plus class. In order to reduce the student/teacher ratio for our skill sets we have split the class into 3-20 Student Squads. So where it took us 2 ½ weeks to cover driving, defensive tactics and firearms, it will take us three ½ weeks, but we were able to absorb it all in the schedule.

All the agencies have been notified which squad their student is in because the week that the squad is doing driving they will only have 32 accounted for in training so the agencies have been notified that their student will not be here.

Investigative scenarios were typically run four different scenarios, and each student going to each different one, now due to staffing and class size, we have reduced that to being partnered with someone and only doing three.

Traffic stops conducted by the student after they have been taught how to do them, before the large number of classes we were running 3 traffic stops before they were tested out now they are getting 1 traffic stop and being tested out. During the last basic not all students were able to participate in building searches as we had a limited amount of time and staff, there were 6 or 7 students who didn't get to participate in that. That was not a graded scenario but it was a participation one.

In the past a pair of officers would get two scenarios, now they will get one. Those are just some observations from our last basic. I know Mr. Stolz has had to increase the number of mock trial sessions to accommodate which makes it hard to get attorneys for all of those sessions as well.

We conducted the PRET testing on Monday morning; one student did not meet the overall 30% and she decided to leave before retaking it. Several were right at 30 and 31%.

We completed the first session of the Reciprocity and Reactivation course for 2016; 11 students began in January 4 successfully completed Reactivation training 1 completed the coursework as a Reciprocity student but was not issued a Reciprocity certificate because he is employed by Railroad not law enforcement. Two students did not complete the unit 3 course work and were separated from training; another was dismissed because his tuition was not received prior to the beginning of training as is required. All three students who were separated appealed. I have completed the appeals and they are now with Mr. Muldoon. Another student was injured during training and he will be allowed to return

to the skill session in July to complete the skills on site. We had one reciprocity student who withdrew and one who did not complete the first unit.

Since the last meeting we cancelled Sheriff's Continuing Education and SFST Update due to low enrollment. Another SFST Update is scheduled for May 2nd.

We have an instructor vacancy; Mr. John York submitted his resignation effective Thursday, April 14, 2016. The position has been open for 2 weeks. I have received 2 applicants.

Two instructors are currently attending the Blue Courage Instructor Course in Kansas City.

On March 22nd I attended the Curriculum Subcommittee Meeting at the Hall County Sheriff's Office.

Sheriff Koranda questioned how many spots were reserved for the 194th Basic. Mr. Muldoon stated 78 requested spots and 12 had approved packets.

Mr. Stolz stated 23 of the 24 students completed the online Management program.

C. Nebraska State Patrol

Captain Duis stated the Patrol camp was in week 9, the final week of phase 1. Cadets will be off next week and when they return for Phase 2 they will move into the EVOC portion of basic when they return. We have completed the range with everyone qualifying; they also had one additional range refresher. We are still at 21 cadets.

We held our final in-service since our last meeting.

IV. CRIME COMMISSION REPORT

Executive Director Fisher was unable to attend due to his attendance at a cabinet meeting. Mr. Muldoon gave his report in his absence.

Legislative Update – Today is the last day of legislative session. LB679 was introduced on our behalf and designed to change the reporting requirement for the Community Corrections Division. The bill passed on final reading and signed by the Governor on April 6, 2016.

2 model policies have been drafted one was mandated by a current LB and one anticipated from an amended LB. LB846 was eyewitness identification requiring the Crime Commission to draft a model policy for conducting eyewitness identification of suspects and LB1000 required a model policy on Body-Worn Cameras. The Nebraska Attorney General's Office, Lancaster County Attorney's Office, and David Stolz have agreed to assist with the legal reviews on these two model policies. We hope to have them approved by the Commissioners at the July 2016 meeting rather than the May meeting.

The John R. Justice Student Loan Repayment Program (JRJ) provides loan repayment assistance for state and federal public defenders and state prosecutors who agree to remain employed as public defenders and prosecutors for at least three years. The funding Nebraska has received has decreased

over \$66,000 from 2011 to 2015. Along with the decrease in aid, there has been more than a \$15,000 decrease in administrative funds over the same time period. The Crime Commission, due to the increase in federal monitoring requirements, has six people who work a portion of their time monitoring, administering, and paying the costs associated with the JRJ grant. A conservative estimation of our actual costs is well over \$4,000 per year. We are not recouping our costs for this grant based upon the federally mandated administration to aid formula and we have come under intense federal scrutiny over the grants we administer. We have made the decision to discontinue the John R. Justice Student Loan Repayment Program for 2016.

4 Revocations - 1 case the investigative review is complete with revocation hearing scheduled for November 14, 2016 in Lincoln. 1 case is pending - has filed another appeal with the Nebraska Supreme Court. We are awaiting the Nebraska Supreme Court decision. 1 case is being investigated at the Training Center. 1 case the respondent has been notified and has 14 days to respond.

V. OLD BUSINESS

A. Title 79, Chapter 11; Firearms Certification Standards

What to shoot to get into the class

Written passing score

Qualification score and course

Ms. Urbanek reviewed the Firearms Certification standard in Joe Hayes' absence, reviewed the April 5, 2016 memorandum prepared by Joe Hayes based on conversation and feedback from other firearms instructors the firearms instructor school entrance qualification course would be that the student would be given a maximum of two opportunities on the first morning of training to pass the Nebraska State handgun qualification course with a minimum passing score of 90%. So come in and shoot the regular state qualification at 90%. The exit qualification for the instructor course, they will get two attempts to pass the instructor course with a reduced hit area, with a minimum passing score of 90%. For the instructor recertification the entrance would be the same as it would be for the Firearms Instructor regular state qualification, two chances, 90%. The exit would be the same as it is for the full blown instructor course. All the qualifications state handgun course and the state handgun will be conducted using the NLETC Q target, manufactured in Omaha and can be purchased by anyone. The other thing is the students would be required to complete a written instructor exam at 80% efficiency. Mr. Stolz stated section 006.04 reflected the percentages.

Chief Wolf confirmed as long as Chapter 11 stayed as it was "currently" with the 70% that would be the requirement for now. Ms. Urbanek stated that was correct, this proposal was only for the proposed Chapter 11 changes once approved.

Members asked that the Rule and Regulation be reformatted for PRO and be placed on the May agenda.

Mr. Stolz asked that some numbers be placed in the record, especially ones as they relate to the Patrol Rifle and how agencies utilize them.

The Council tabled action on this item for the May meeting.

VI. NEW BUSINESS

A. 3 Basic Classes per Year Proposals

Ms. Urbanek reviewed her memorandum in Attachment #1 stating the focus needs to be on certification and high liability areas including Reciprocity and Reactivation, people coming into other state to get certified as Nebraska officers, people who are already Nebraska officers but just who are revalidating their certification, firearms instructor and recertification courses because there is a state mandate that each agency have annual firearms qualification. Every other year offering EVOC Instructor Course. One thing that we don't have established here yet is whether we will continue to offer defensive tactics instructor courses or if we will just do recertification courses. The other courses that are typically referred to as mandated courses, to the officer, but it is not mandated that the Training Center has to provide it. The curriculum subcommittee brought up that there are multiple resources for management training and the one requirement by statute that we have to do is a new sheriff's seminar so every four years after a sheriff's election we would put on an expanded Sheriff's Continuing Education.

Discussion was held on classes.

Ms. Urbanek stated the Training Center may still offer classes here; it just may not be our staff conducting the training because they will be busy with basic training. The training will be through a contractual basis and at a cost to students. With this proposal I would like to limit the class size to 50.

Mr. Stolz stated that he would make this statement for Chief Hogue of Central City regarding the three basic packages proposed by Brenda from the small agencies perspective when it comes to Supervision and Management, the small agency has nowhere else to go and that is a direct impact to those people.

Captain Duis stated the only cost to somebody attending their LPO course at the Training Academy would be \$85 for the book. LPO has been accepted as Management with the online portion of Management.

Chief Wolf questioned if PPCT would be offered at the academy anymore. Ms. Urbanek stated it would be in basic and recertification would be offered. Jon Sumsion was the Instructor, Mike Kerby and I have had discussion on whether or not we could fit it in and really when you look at skills firearms driving and defensive tactics, three high liability areas, I think it is very easy to justify offering those courses.

Chief Wolf stated Defensive tactics was utilized more than any of them on the street. It is a weekly thing when it comes to arresting people; you are using those tactics.

Ms. Urbanek asked the Council for a directive to keep things the way they are, 5 in 2 years, 60 people in a class, go back to 3 basics every 12 months.

We would set that date and as soon as that application comes in that date would be here. That date would be set. If your packet is not complete or your are not here well then you are not coming to this test but so that they wouldn't just have a week to get there, they would know in advance that they need to be in grand Island on this date to be here for this testing.

We would move it from August 28th to August 1st and graduate November 18th and Start again December 4th.

MOTION

Lieutenant Colonel Schwarten motioned to go to 3 basic classes per year limited to 50 students each class beginning with the August 1st course. Sheriff Koranda seconded the motion. Voting in favor; Chief Larby, Lieutenant Colonel Schwarten, Chief Wolf, and Chief Larby. Motion carried.

B. PRET Testing Administration

Ms. Urbanek discussed the memorandum containing the PRET Data and administration of the physical readiness entrance testing utilized by the Training Center stating if we went to a flat standard she felt it would have a big impact on the people coming in the door. The NLETC staff recommends maintaining an overall 30% based on age/gender norms, which would have the least impact on the client base while still ensuring a minimum level in each category.

Ms. Urbanek what we would like is to administer the test three weeks prior to basic and if you are able to pass the PRET at 30% you are coming to basic. And we would like to recommend implementing the PRET testing 30-days prior in the December class not for this upcoming August one.

Members agreed to Table this item for the May meeting

MOTION

Chief Wolf motioned to table the discussion till the May meeting for the PRET testing administration. Chief Larby seconded the meeting. **Voting in favor**; Lieutenant Colonel Schwarten, Chief Wolf, Sheriff Koranda, and Chief Larby. Motion carried.

C. Professional Instructor Certification/Recertification

Legal Certification

David Babcock – Nebraska State Patrol

MOTION

Sheriff Koranda motioned to approve David Babcock of the Nebraska State Patrol for his Legal Certification. Chief Wolf seconded the motion. Voting in favor; Chief Wolf, Sheriff Koranda, Chief Larby, and Lieutenant Colonel Schwarten. Motion carried.

The meeting broke at 10:58 AM and resumed at 11:01 AM.

Ms. Urbanek recommended the following for certification as presented.

Professional Recertification

Kayla Farrell – Nebraska State Patrol
Nate Jacobsen – Nebraska State Patrol
Kyle Johansen – Nebraska State Patrol
Kent Kavan – Nebraska State Patrol
Cody Paro – Nebraska State Patrol
William Price – Nebraska State Patrol
Laurie Scott – Omaha Police Department Areas 215, 505, 506

MOTION

Sheriff Koranda motioned to approve Professional Recertification for Kayla Farrell -Nebraska State Patrol, Nate Jacobsen – Nebraska State Patrol, Kyle Johansen – Nebraska State Patrol, Kent Kavan – Nebraska State Patrol, Cody Paro – Nebraska State Patrol, William Price – Nebraska State Patrol, Laurie Scott – Omaha Police Department in Areas so noted. Chief Larby seconded the motion. Voting in favor; Sheriff Koranda, Chief Larby, and Lieutenant Colonel Schwarten, Chief Wolf. Motion carried.

D. Firearms Instructor Recertification

Chief Timothy Larby – Atkinson Police Department

Mr. Muldoon stated Chief Larby was currently enrolled for the first class in May, 2016 in Scottsbluff.

Chief Larby stated last year the last range day was going while he was chairing the PSAC meeting when he asked Ms. Fielding if his Firearms recertification needed to be taken and it was needed. He stopped at the office to sign up for the course when Mr. Gobel asked him if he had a waiver because he was up and needed to be in this year (2015) at the course going on that day was the one he needed to be in. I looked and started to prepare to do the weeklong course again, but the hardship comes from our agency being down a man which leaves myself and one other person in our agency to run the agency 24/7 365.

Mr. Stolz stated this is more of a demonstrated agency emergency when you are down one person and you are working the Council having to attend these meetings and still trying to get this type of certification.

Chief Larby stated that was correct, attending training for a week is just not in the cards, I am already having the County cover for these meetings so my guy isn't working night and days and trying to do that and they will be the ones covering just the single day for when I will be in Scottsbluff in May.

MOTION

Chief Wolf motioned to extend Chief Tim Larby's certification as Firearms Instructor until he can go to the next available class which he is already scheduled for in Scottsbluff on May 5, 2016, due to a demonstrated agency emergency due to being short handed within his agency as wells as serving ancillary duties with the Police Standards Advisory Council. Sheriff Koranda seconded the motion.

Voting in favor; Lieutenant Colonel Schwarten, Chief Larby Abstained, Sheriff Koranda, and Chief Wolf.

E. **Waiver of Management In-Lieu-Of (LPO) IACP**
Lieutenant Kurt VonRenzell – Nebraska State Patrol

No action taken (already certified)

F. **Waiver of Supervision In-Lieu-Of (LPO) IACP**
Sergeant Greg Miller – Nebraska State Patrol

Mr. Muldoon recommended certification.

MOTION

Chief Larby motioned to approve. Sheriff Koranda seconded the motion. Voting in favor; Lieutenant Colonel Schwarten, Chief Wolf, Sheriff Koranda, and Chief Larby.

VII. OTHER BUSINESS

A. Date, Time & Location of Next Meeting
May 18, 2016, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no other business, the meeting adjourned at 11:14 AM.

Respectfully,



Kay Fielding,
Secretary to the Council